

### REMARKS

Claims 26, 27, 28, 29, 30, 31, 32, 35, 41, 43, 45, and 48-51 are in this application.

Claims 33, 34, 36-40, 42, 44 and 46 have been cancelled.

Claims 26 has been amended and claims 50 and 51 have been added. Support for the amendments to claim 26 and the addition of claims 50 and 51 is supported on, *inter alia*, pages 5-10 of the specification.

The Examiner has rejected claims 26-32, 35, 41, 43, 45, and 47-49 under 35 USC 112, first paragraph. This is respectfully traversed.

In view of the amendment of Claim 26 and the addition of claims 50 and 51 it is respectfully requested that this rejection be withdrawn. The amendments to Claim 26 provide antecedent basis for “the section length” in claims 48 and 49.

The Examiner has rejected Claim 35 under 35 USC 112, first paragraph as failing to comply with the enablement requirement. This is respectfully traversed.

According to the article from About.com Local foods there are about 600 varieties of strawberries. A number of strawberry varieties are shown in the printout from Unibase.ca and the ones that are included in claim 35 are indicated by an arrow. These are attached. Based on this it is clear that claim 35 is enabled.

Therefore, it is respectfully requested that this rejection be withdrawn.

Claims 26-32, 35, 41, 43, 45, and 47-49 are rejected under 35 USC 103(a) as being unpatentable over Mathews et al. in view of Dogov et al. This is respectfully traversed.

The methods disclosed in these references do not make the claimed invention obvious. In the method claimed in this application, the internal induction processes occurring in an explant in response to a wound caused by separating an explant from the leaf disk.

The method claimed makes it possible to enhance the level of induced resistance formed in an explant due to the use of time intervals between the first and the second steps of separating the explants from each other. During this time interval (1 to 5 days) one side of the explant "is healed" by proteins and enzymes induced not only at the site of wounding. According to the method claimed, the final separation of an explant from a leaf is carried out upon completion of regeneration of the rear side of the explant.

The inventors claim that the final separation of the explant upon a certain time interval makes it possible to use the internal induction processes resulting from the wound shaping and aiming at maintaining stability and lowering necrosis of cells and somatic variations. There are provided examples of genetic engineering constructs that enable one to transform a selected plant in accordance with predetermined tasks.

The experimental data show that the stepwise procedure of preparing explants lowers the level of necrosis in explants and enhances the efficiency of the method (see the Original Description Example I, Fig. 3) As seen from the graph in Fig. 3, the level of necrosis is reduced upon the stepwise and consecutive procedure of separating explants formed in lots A1 to A5, wherein each explant is separated from the remaining disk segment after incubation thereof for 1 to 5 days to allow for the transformation of plant cells with agrobacteria at the sites of fresh woundings. It should be noted that the transformation was carried out with a vector construct with no PR protein genes. Hence, the decrease in necrotic phenomena and enhancement of the transformation efficiency are not achieved due to the protective protein genes, e.g., PR protein genes, transferred to explants cells, but result from the

stepwise inoculation of the plant material during the agrobacterial transformation.

This is also evidence that during the stepwise treatment of explants an induced resistance to abiotic and biotic stresses is formed due to the inner protective mechanisms of plant cells. The results obtained show the non-obviousness of the claimed technical solution comprising the stepwise treatment of plant material during agrobacterial transformation and distinguishes the present method from methods of agrobacterial transformation of plants is distinguished and not obvious from the cited art.

Figures 1-3, attached, show photographs of a non-transgenic plant of the *Selekta* variety (Fig. 1), a transgenic line with a deviation (Fig. 2), and a transgenic line having no deviations (Fig. 3). To produce transgenic lines, having no deviations, it is necessary at the stage of transformation and preparation of explants to reduce the necrosis rate, since necrosis leads to inhibition of plant transformation, and regeneration passes the stage of callus formation. On account of callus formation, regeneration lasts several months and the number of deviations in a transgenic plant increases.

In the claimed method, the degree of necrosis was controlled visually and by means of a GUS expression with staining the explants. For explants lots with reduced necrosis, a higher transient GUS expression (blue colour) is observed (Fig. 4). For lots with reduced necrosis, the proportion of explants, wherein direct regeneration occurs, is higher as compared with lots with increased callus formation. Due to direct regeneration, properties of a genotype remain unchanged and the frequency of somaclonal deviations decreases. The invention permits lowering a proportion of plants with somaclonal deviations to 30%, which is half as that upon using standard methods known from the patent and scientific literature.


Therefore, it is respectfully requested that this rejection be withdrawn.

It is submitted that the claims are in condition for allowance.

If any fees are due they may be charged to deposit account 12-0425.

Questions regarding this response may be directed to the undersigned.

Respectfully submitted,



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## Strawberry Varieties

From Albions to Ventanas

From Vanessa Higgins

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The 600 strawberry varieties found today stem from five or six original wild species and are a member of the rose family. Sample different varieties at your local farmers market. You'll be surprised how different they are in shape, color and taste. Typically, the larger the berry, the more water it contains, the smaller the berry, the greater the intensity of flavor. For the most local of treats, nothing beats the flavor of strawberries picked fresh from your garden.

### Albion

Albions have darker fruit color, both internally and externally, and a consistently sweeter flavor than most strawberries.

### Alpine Strawberry

Alpine Strawberry (fraises des bois) is the tiny and exquisitely sweet wild strawberry of France. These little jewels are much larger than a small fingernail, but are gigantic on flavor.

### Aroma

Aromas have large, firm fruit has great flavor, with good color and a bright sheen.

### Camino Real

Camino Real has firm, dark red fruit with a long shelf life and good flavor.

### Diamante

Diamante is a large, flavorful, firm fruit with a bright red sheen.

### Earliglow

Earliglow are early producing, medium-sized strawberries with fantastic flavor. They are considered the best flavored of all the widely grown commercial varieties.

### Everbearer

Everbearer are large and bright scarlet red, have firm flesh, plenty of juice, and a delightful sweet flavor.

### Fragaria virginiana

Fragaria virginiana (wild strawberry) are small juicy, delicious red strawberries that are much richer in flavor than the commercial varieties found in stores today.

### Garden Strawberry

Garden Strawberry is the most common U.S. variety. It is a large, hardy berry that has a recognized traditional strawberry flavor.

### Rosa Linda

## Strawberry Varieties

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### Seascape

Seascape is a superior strawberry that is large, sweet, and hardy with superb flavor.

### Sweet Charlie

Sweet Charlie is orange-red on the outside and orange streaked with white in the inside with a distinctly sweet flavor due to a high sugar-to-acid ratio.

### Ventana

Ventana has bright red fruit, slightly lighter in color, a good flavor, standard shape, and large size with excellent fruit quality.

*This About.com page has been optimized for print. To view this page in its original form, please visit:*

*<http://localfoods.about.com/od/spring/tp/Strawberry-Varieties.01.htm>*

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List of strawberry genotypes in the database (for some genotypes we do not have any data and the name kept in the database to complete the pedigree of the others).

Strawberry genotypes:	
102Y11	MOLLALA
120E20	MONMOUTH
18B34	MONTANA PROGRESSIVE
18F41	MONTROSE
19F49	MORIOKA 17
27P45	MR BIG
2B12	MRAC
38P604282	MUIR
39B30	NANCY LEE
3C11	NARCISSA
69EW30	NC 1768
69GU76	NC1053
6A49	NC1065
6B45	NC1768
7191	NECTARENA
71M59	NEDSPRIDE
71WC64	NEET(ROBINSON)
73M28	NEW VICTORIA
74M53	NICH OHMER
9A641177	NISQUALLY
ABERDEEN	NJ2363-4
ACADIA	NJ4127
ADA HERZBERG	NJ72
ADDIE	NJ8607-2
ADIRONDACK	NJ8614-2
AGA	NJ8826-11
AGASSIZ	NJ925
AIKO	NJ953
ALAMO	NOBLE
ALASKA PIONEER	NOKOMIS
ALBRITTON	NORTHEASTER
ALCATRAZ	NORTHERNER
ALEXANDRIA	NORTHLAND
ALISO	NORTHSTAR
ALL SEASON	NORTHWEST



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Home

ALLSTAR	NOTLEY	
ALPINE	NY 1324	
ALPINE STRAWBERRY	NY 1424	
AMBROSIA LATE	NY 1425	
ANAHEIM	NY 1529	
ANNAPOLIS	NY 1593	
ANNELIE	NY 4626	
APOLLO	NY1123	
APTOS	NY1221	
ARAPAHOE	NY1261	
ARCH RED	ny1324	
ARKING	ny1529	
ARMORE	NY254	
AROMA	NY316	
ARROWHEAD	NY4626	
ASIETA	NY844	
ATHENA	NYE58	
ATLAS	NYUS 113	
AUCHINCUIVE 6	NYUS119	
AUCHINCUIVE CLIMAX	OAC ST.CLAIR	
B10	OAK HILL SPECIAL	
BADGERBELLE	OBERSCHLESIE	TOP
BADGERGLO	OGALLALA	
BANNER	OKA	←
BARON VON SOLEMACHER	OLGA PETROVA	
BEACON	OLYMPUS	
BEAVER	ORE46	
BELLMAR	OREGON SELECTION	
BELRUBI	ORION	
BENIZURU	ORLAND	
BENTON	OSHKOSH	
BERRI-SUPREME	OSO GRANDE	
BERRY SWEET	OSTARA	
BISMARCK*	OUR OWN	
BLACK LEE	OUROWN	
BLACKMORE	OZARK BEAUTY	
BLAKEMORE	PAJARO	
BLAZE	PAMM ANN	
BLISS	PAN AMERICAN	
BLOMIDON	PANDORA	




BOGOTA	PANTAGRUILLA	
BOONEMORE	PARFAITE	
BOQUET	PARISH PERFECT	
BORDEN	PARKER	
BOUNTIFUL ←	PARKER (2)	
BOUNTY	PARKLAND	
BRANFORD	PATHFINDER	
BRIGHTMORE	PEGASUS	
BRIGHTON	PENNHOLM	
BRILLIANT(GEM)	PERLE DE PRAGUE	
BRIO	PERSIKOVAYA	▲ TOP
BRISTOL	PETRINA	
BRITISH SOVEREIGN	PHELPS	
BRUNES MARVEL	PICKERPROOF	
Brunswick	PINEAPPLE	
BURGESS	PINEAPPLE CRUSH	
BURGUNDY	PIXIE	
CAL 46.5-1	PLENTIFUL	
Cabot	POCAHONTAS	
CACAK	POLKA	
CAL 13593740	PORTER'S PRIDE	
CAL 143.32	PORTIA	
CAL 144.2	POTAGOLD	
CAL 145.52	PRAIRIE BELLE	
CAL 161.1	PRECOSANA	
CAL 177.21	PRELUDE	
CAL 21.9	PRIMELLA	
CAL 222	PRIMETIME ←	
CAL 222.11	PRINCE ALBERT *	
CAL 249-5	PROGRESSIVE	
CAL 27.20-45	PROTEM	
CAL 32-50	PROVIDENCE	
CAL 337.3	PUGET BEAUTY	
CAL 35.02-5	Q45	
CAL 37.20-45	QEB1	
CAL 370.14	QEB3	
CAL 42.8-16	QSK56	
CAL 46.5-1	QSK91	
CAL 490.9	QSK92	
CAL 53.32-1	QUINAULT	▲ TOP
CAL 54.124-2	RABUNDA	
CAL 564.6	RADIANCE	

CAL 564.7	RAINIER	
CAL 58.45-11	RALPH	
CAL 59.41-14	RANGER	
CAL 6.3	RAPELLA	
CAL 63.7-101	RARITAN	
CAL 64.57-108	RED GIANT	
CAL 65.65-601	RED GOLD	
CAL 66.2	RED RICH	
CAL 67.5	RED SUGAR	
CAL 68.24	RED TITAN	
CAL 68.25	REDCHIEF	
CAL 7.20	REDCOAT	
CAL 72.361-105	REDCREST	←
CAL 752.23	REDCROP	
CAL 794.19	REDGAUNTLET	
CAL 86.6	REDGEM	←
CAL Z11	REDGLOW	
CAL Z9	REDHEART	
CALEDONIA	REDSTAR	
CALYPSO	REDWING	
CAMAROSA	REGINA	
CAMBRIDGE ARISTOCRAT	REMO	
CAMBRIDGE EARLY	RENA	
CAMBRIDGE EPICURE	REPITA	▲ TOP
CAMBRIDGE FAVOURITE	REVADA	
CAMBRIDGE FORERUNNER	REWARD	
CAMBRIDGE LATE PINE	RHAPSODY	
CAMBRIDGE PREMIER	RIDGELY	
CAMBRIDGE PRIZEWINNER	RIGANA	
CAMBRIDGE REARGUARD	RIOGRANDE	
CAMBRIDGE REGENT	ROBINSON	
CAMBRIDGE RIVAL	ROBYN	
CAMBRIDGE SENTRY	ROCK OF AGES	
CAMBRIDGE VIGOUR	ROCKHILL(WAYZATA)	
CAMDEN	Rosalyne	←
CAMPBELL	ROSANNE	
CANALL	ROSE ETTERSBURG	
CANOGA	Roseberry	←
CAPITOLA	ROTKAPPCHEN	
CARDINAL	ROYAL SOVEREIGN	

CAREZZA	RUEGEN	
CARLSBAD	S.1260	
CARVER BELL	S543	
CASCADE	S68-108	
CATALDO	SAANICH BELLE	
CATO	Sable	
CATSKILL	SALADIN	
CAVALIER	SALINAS	
CAVENDISH	SANS PAREILLE	
CAZ9	SANTANA	
CESENA	SAVIO	
CHAMBLY	← SCARFF	
CHANDLER	← SCARLET BEAUTY(ROB.)	
CHANTAL	SCHWAB	↑ TOP
CHASKA	SCOTLAND	
CHEAM	SCOTT	
CHEYENNE 2	se	
CHEYENNE 3	SEASCAPE	
CHIEF BEMIDJI	SECORD	
CHURCHILL(LOUISE)	Sel	
CITATION	SELEKTA ←	
CLARE	SELENE	
CLARIBEL	SELKIRK	
CLERMONT	SELLA	
CLYDE	SELVA	
COLEMAN'S PRESIDENT	SENECA	
COLUMBIA	SENGA 145	
COMET	SENGA 146	
CONFITURA	SENGA 188	
CORNWALLIS	SENGA 242	
CORTINA	SENGA 29	
CORVALLIS	SENGA 54	
CREAM	SENGA GIGANA	
CRESCENT	SENGA PRECOSA	
CRIMSON GLOW	SENGA PRECOSANA	
CRIMSON KING	SENGA SENGANA	
CRIMSON SPRITE	SENTINEL	
CRUSADER	SEQUOIA	
CRUZ	SETTLER	
CUESTA	SHARON	
CULVER	SHARPLESS	
CUMBERLAND TRIUMPH	SHASTA	

CUPERTINO	SHELTON	
CYCLONE	SHUKSAN	
DABREAK	SHUSWAP	
DANA	SIEGER	▲ TOP
DARBOPRIM	SIERRA	
DARESTIVAL	SILETZ	
DARROW	SILVA	
DARSTAR	SILVER JUBILEE	
DAYBREAK(LA)	SIMCOE	
DAYBREAK(NC)	SIOUX	
DEEPHAVEN	SIVETTA	
DELITE	SJ8264-6	
DELMARVEL	SJ83OR-2	
DEMERLAND	SJ8416-1	
DEUTSCH EVERN	SJ8518-11	
DIREKTOR PAUL WALLB*	SJ8518-9	
DIXIELAND	SJ866-38	
DOMANIL	SJ89103-1	
DONNA	SJ89109-12	←
DONNER	SJ8911-1	
DORSETT	SJ8916-50	
DOUGLAS	SJ89210-6	
DOVER	SJ89211-7	
DRESDEN	SJ89227-1	
DRY WEATHER	SJ89228-2	
DULCITA	SJ89264-6	
DULUTH	SJ89279-12	
DUNLAP	SJ89282-20	
DURETTA	SJ89288-2	
EARLE FELTEN	SJ8942-8	
EARLEE	SJ8976-1	▲ TOP
EARLIBELLE	SJ8995-8	
EARLIDAWN	SJ911-112	
EARLIGLOW	SJ911-113	
EARLIMISS	SJ911-128	
EARLMORE	SJ911-134	
EARLY CAMBRIDGE	SJ911-140	
EARLY CHEYENNE 1	SJ911-252	
EARLY DAVIS	SJ911-329	
EASYPICKER	SJ931-4	
EB18	SJ931-77	
EB453	SJ9312-64	

EB893	SJ9313-335	
EDEN	SJ9314-117	
ELEANOR ROOSEVELT	SJ9314-120	
ELGIN	SJ9314-126	
ELINOR	SJ9314-17	
ELISTA	SJ9314-20	
ELSANTA	SJ9314-45	
ELVIRA	SJ9314-52	
EM208	SJ9314-77	
EM319	SJ932-131	
EM341	SJ932-134	
EM372	SJ932-29	
EM396	SJ932-75	
EM426	SJ932-92	
EMPIRE	SJ9321-1	
EMPIRE ALL RED	SJ9324-10	
EMPIRE STATE	SJ9327-18	
ENZED LEVIN	SJ9327-20	←
ERIE	SJ9327-31	
ERIS	SJ9327-33	
EROS	SJ9328-39	
ES318	SJ9329-3	
ES467	SJ9330-15	
ES608	SJ9330-36	
ES880	SJ9330-75	
ESSEX	SJ9332-134	
ESTEEM	SJ9332-32	
ETNA	SJ9332-59	▲ TOP
ETTERSBURG 20	SJ9332-7	
ETTERSBURG 450	SJ9335-18	
ETTERSBURG 80	SJ9335-24	
EURESKO	SJ9335-26	
EVA MACHERAUCH	SJ9335-8	
Evangeline	SJ9336-18	
EVERMORE	SJ9336-27	
EVITA	SJ9337-24	
FAIRFAX	SJ934-65	
FAIRLAND	SJ9345-3	
FAIRMORE	SJ9346-20	
FAIRPEAKE	SJ9346-23	
FAM88-3	SJ9351-36	
FAM88-4	SJ937-3	

FANIL	SJ937-4	
FAVETTE	SJ937-5	
FB-1	SJ937-8	
FENDALCINO	SJ939-111	
FERN	SJ939-38	
FERRARA	SJ939-71	
FIESTA	SJ941-2	
FLETCHER	SJ941-3	
FLORIDA BELLE	SJ961-2	
FLORIDA NINETY	SJ9616-1	
FORT LARAMIE	SJO9611-23	
FORTUNE	SJO9611-24	
FRANCESCO	SJO9611-25	
FRAU MIEZE SCHINDLER	SJO9611-30	
FREJA	SJO9611-33	
FRESNO	SJO9611-39	
FRONTENAC	SJO9611-49	
FROST PROOF	SJO9611-52	
FUKUBA	SJO9611-59	
FULTON	SJO9611-60	
GALA	SJO9611-62	 TOP
GARDENA	SJO9611-70	
GARIGUETTE	SJO9611-78	
GARNET	SJO9611-85	
GARTENBAUDIREKTOR L*	SJO9611-90	
GEA	SJO9614-2	
GÉANT FRAMBOISÉ	SJO9614-4	
GEM EVERBEARING(GEM)	SJO9614-9	
GEM(SUPERFECTION)	SJO9616-104	
GEMZATA	SJO9616-33	
GENEVA	SJO9616-65	
GEORG SOLTWEDEL	SJO9616-76	
GERIDA	SJO9618-22	
GIANT GEM(GEM)	SJO9618-29	
GILBERT	SJO9619-135	
GLAMOUR	SJO9619-146	
GLASA	SJO9619-228	
GLEN	SJO9619-232	
GLENALICE	SJO9619-70	
GLENCISS	SJO9620-106	
GLENDA	SJO9620-109	
GLENHEART	SJO9620-114	

GLENMAN	SJO9620-12	
GLENMORE	SJO9620-140	
GLENRICH	SJO9620-146	
GLIMA	SJO9620-147	
GLOOSCAP	SJO9620-15	
GOLD HEART	SJO9620-154	
GOLDEN ALPINE	SJO9620-16	
GOLDEN GATE	SJO9620-17	
GOLDEN SPRITE	sj09620-23	
GOLDSMITH	SJO9620-25	
GORELLA	SJO9620-30	▲ TOP
GOVERNOR SIMCOE	SJO9620-31	
GRAND CHAMPION	SJO9620-56	
GREAT BAY	SJO9620-59	
GREEN MOUNTAIN	sj09620-6	
GREEN PROLIFIC	SJO9620-67	
GRENADIER	SJO9620-69	
GU66Q50	SJO9620-76	
GUARDIAN	SJO9620-79	
GUARDSMAN	SJO9620-96	
GUELPH SO1	SJO9620-97	
GUELPH SO2	SJO9622-102	
HAPIL	SJO9622-11	
HARUNOKA	SJO9622-110	
HARUYOI	SJO9622-116	
HARZLAND	SJO9622-118	
HAVERLAND	SJO9622-126	
HEADLINER	SJO9622-139	
HEBRON	SJO9622-40	
HECKER	SJO9622-53	
HEDLEY	SJO9622-56	
HEIDI	SJO9622-61	
HELLA	SJO9624-12	
HERA	SJO9624-13	
HERZBERG'S TRIUMPH	SJO9624-15	
HILCREST	SJO9624-26	
HIMIKO	SJO9624-5	
HOKOWASE	SJO9625-1	
HOLIDAY	SJO9625-23	▲ TOP
HONEOYE	SJO9625-25	
HONEY	SJO9625-32	
HONEY LUMP	SJO9625-47	

HOOD	SJO9625-49
HOVEY	SJO9625-59
HOWARD 1	SJO9625-61
HOWARD 103	SJO9625-68
HOWARD 17(PREMIER)	SJO9625-86
HOWARD 4	SJO9627-18
HOWARD SUPREME	SJO9627-42
HOWE	SJO9627-62
HUMMI FERMA	SJO9627-82
HUMMI GENTO	SJO9627-84
HUMMI GRANDE	SJO9627-89
HUMMI-TRISCA	SJO9627-92
HUXLEY	SJO9628-10
HYBR. INCONNU NO.11	SJO9628-35
HYBR. INCONNU NO.3	SJO9628-6
HYBRID D	SJO9628-63
IA 3-7145	SJO9628-69
IA 3-7165	SJO9628-70
IDIL	SJO9628-9
INDRA	SJO965-12
INDUKA	SJO965-2
INSTITUTE D4	SJO965-7
INSTITUTE E2	SJO965-8
INSTITUTE E5	SNOW KING
INSTITUTE X2	SOLANA
INSTITUTE Z4	SOLVETA
IRVINE	SONJANA
JACKWARDS EARLY	SOQUEL
JERSEYBELLE	SOUTHLAND
JEWEL	SOUVENIR DE CHARLES
JIM	SPARKLE
JOAN	SPARTA
JOHN	SPLENDIDA
Joliette SJ89288-2	St-Clair
JONSOK	ST-WILLIAMS
JOYCE	STARBRIGHT
JUBILEE	STARKRIMSON
JULYMORN	STARTLER
JUMBO	STARTYME
JUNCUNDA	STELEMASTER
JUNE ROCKHILL	STOPLIGHT
JUNIMORGEN	STRAFFORD

TOP



JUPITER	STRAIN 7	
JUSPA	STREAMLINER	
K60-98	SULTAN	
K61-87	SUMAS	
K68-58	SUMMERBERRY	
K71-8	SUMNER	
K72-4	SUNRISE	
K74-21	SUNSET	
K74-5	SUPER SIMMEN	
K75-13	SUPERFECTION(GEM)	
K76-3	SURECROP	
K83-3	SURPRISE DES HALLES	
KAISER SAMLING	SUWANNEE	
KALICENE	SWEET CHARLIE	
KANNER KING	SWEETHEART	
KARDINAL KING(ROBI.)	SYMPHONY	
KARINA	SYS3612-179	
KARMYN	SYS3672-179	
KAROLA	TA11	
KASUGA	TAGO	
KELLOGG BEAUTY*	TAHOE	
KENT	TAKANE	
KING	TALISMAN	
KLONDIKE	TAMELLA	
KLONMORE	TANGI	
KOGYOKU	TANGO	▲ TOP
KONVOY	TANTALLON	
KORONA	TARDA VICODA	
KRISTINA	TD8	
L'Authentique Oréans ←	TEMPLAR	
Lacadie ←	TEMPLE	
LAGUNA	TENDERSWEET	
LASSEN	TENIRA	
LATEGLOW	TENNESSEAN	
LAVO	TENNESSEE BEAUTY	
LAXTON'S NOBLE	TENNESSEE SHIPPER	
LEE TEAGUE	TENNESSEE SUPREME	
LEMAN (DADDY LEMAN)	TETHIS	
LESTER	THE SUN	
LIHAMA	THURIGA	
LINCOLN	TILLIKUM	
LINDALICIOUS	TIOGA	

LINN	TITAN
LITESSA	TORO
LOCKE LAKE RUBY	TORREY
LOUISE(CHURCHILL)	TOTEM
LUCIDA PERFEKTA	TRAILBLAZER
LULU	TRIBUTE
LUNIK	TRISTAR
LUSCIOUS RED	TROUBADOUR
LUSTRE	TRUMPETER
MACHERAUCH DAUERERENTE	TUFTS
MACHERAUCH'S DAUERE*	TUPPER
MACHERAUCH'S FRUHER*	TWENTIETH CENTURY
MACHERAUCH'S MARIEVA	TYEE
MACHERAUCH'S SPATER*	ULRICH
MACKENZIE	ULRICH IMPERIAL
MADAME CHAVEROT	UNCLE CAP
MADAME LEFEBVRE M49	US 3358
MADAME LEFEBVRE*	US 4127
MADAME MOUTOT	US 4144
MAE	US 4152
MAGOON	US 4419
MAINE 55	USDA 253
MAJESTIC	USDA 543
MAJORAL	USDA 634
MARIEVA	UTAH SHIPPER
MARION BELL	V 7251-1
MARLATE	V6701-4
MARMION	V7294-2
MARMOLADA	V7705-3
MARS	VALE
MARSHALL	VALENTINE
MARVEL	VALETA
MASSEY	VAN DEMON
MASTERPIECE	VANDYKE
MASTODON	VANGUARD
MAYTIME	VANROUGE
MCCLINTOCK	VANTAGE
MDUS 1972	VEEGEM
MDUS 2188	VEEGLOW
MDUS 2357	VEESTAR
MDUS 2611	VERMILION

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TOP

MDUS 2650	VESPER	
MDUS 2713	VIBRANT	
MDUS 2905	VIGERLA	
MDUS 3082	VISTA	
MDUS 3364	VOLA	
MDUS 3413	VON HUMBOLDT	
MDUS 3861	WASHINGTON	
MDUS 4258	WAYBRIGHT	
MDUS 4377	WAYZATA(ROCKHILL)	
MDUS 4380	WELCH LATE	
MDUS 683	WHAT A FLAVOR	
MELODY	WILD FLAVOR	
MERRIMACK	WILTGUARD	
MERTON DAWN	WINE DARK	
MERTON HERALD	WISCONSIN 214	TOP
MERTON PRICE	WISCONSIN 261	
MERTON PRINCESS	WISCONSIN QUEEN	
MERTON RUBY	WONDERBEARING	
Micmac	WRAY RED	
MIDLAND	WRIGHT	
MIDWAY	WSU685	
MIGNONETTE	WYONA	
MILDREN FELTEN	X652	
MIMEK	XENION	
MINN SYS305-46	YACHIYO	
MINNEHAHA	Yamaska ←	
MINNESOTA	YDUN	
Mira	YELLOW WONDER	
MIRANDA	YOLO	
MIRIFICA	YORKSHIRE	
MISS UTAH	ZENITH	
MISSIONARY	ZEPHIR	
MITIASOME		
MOHAWK ←		TOP